

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**E.T. Radcliffe, LLC v. ITC**

**No. 14-1570**

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

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**Counsel for Complainants-Appellants Emir Tiar and E.T. Radcliffe, LLC**

In accordance with Federal Rule of Appellate Procedure 26(b), Complainants-Appellants Emir Tiar and E.T. Radcliffe, LLC ("Appellants") hereby request a 45-day extension to file their Opening Brief from October 9, 2014 to and including November 24, 2014.

Pursuant to Fed. R. App. P. 27(a)(2)(A) and Fed. Cir. R. 27(a)(4), this motion is made on the grounds that a verbal settlement agreement has been reached between Appellants and Third-Party Intervenors The Walt Disney Company, Thunderbird Films, Inc., and Mindset Television, Inc. Appellants need this additional time to complete a formal settlement agreement with the Third-Party Intervenors.

There have been no previous extensions requested or granted regarding Appellants' Opening Brief. Pursuant to Fed. Cir. R. 26(b)(3) and 27(a)(5), counsel for Appellee and counsel for the Third-Party Intervenors in this matter do not oppose this Motion. Appellants' counsel has exercised diligence in preparing the Opening Brief in a timely manner and, in the unlikely event that the settlement agreement is not completed, will have the Opening Brief filed on or before the November 24, 2014 deadline sought in this request.

Dated: October 8, 2014

/s/ Stephen A. Kennedy

Stephen A. Kennedy

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**CERTIFICATE OF SERVICE**

I certify that I served a copy on counsel of record on 10/08/2014 by:

\_\_\_\_US mail

\_\_\_\_Fax

\_\_\_\_Hand

  x  Electronic Means (by email or CM/ECF)

/s/ Stephen A. Kennedy

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**DECLARATION OF STEPHEN A. KENNEDY**

1. My name is Stephen A. Kennedy. I am competent to make this declaration. The facts states in this declaration are within my personal knowledge
2. I am an attorney with the law firm of Kennedy Law, P.C. and have entered my appearance on behalf of the Appellants in this case, Emir Tiar and E.T. Radcliffe, LLC.
3. Good cause exists for the 45-day extension sought by Appellants. As of October 8, 2014, the Appellants and the Third-Party Intervenors in this matter have verbally agreed to a settlement that will dispose of the issues pending before the Court in this matter. Appellants request a brief extension of time to file their Opening Brief so that they may focus on completing a settlement agreement with the Third-Party Intervenors.
4. Appellants' Opening Brief is currently due on Thursday, October 9, 2014. The sudden agreement between Appellants and the Third-Party Intervenors has created an extraordinary circumstance where an extension of time must be sought outside of the 7-day window before the date sought to be extended. *See* Fed. Cir. R. P. 26(b)(1).
5. I have informed all of the other parties in this matter of my intent to seek this extension. None of these parties oppose my request for an extension of time.

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I declare under penalty of perjury under 28 U.S.C. §1746 that the facts stated above are within my personal knowledge and are true and correct.

EXECUTED on October 8, 2014



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Stephen A. Kennedy